

United States District Court of Eastern District
Tennessee At Knoxville

FILED
2024 JAN -2 AM 8:32

X Mr. Marcus Avery #639164

Pro se Plaintiff

Civil Suit

Case # 3:24mc1

US DISTRICT COURT
EASTERN DIST. TENN.

VS.

Collier/McCook

Morgan County Warden, Mike Parris
et al

Defendants

Motion, T.C. A.S. 41-21-806 at
(C) area

Page # 1 of 2

Thus Come(s) The above prose plaintiff Mr. Avery seek's
That This U.S. District Court Clerk To order (an)
Review (3) Apply By The Law under entry of The
open Motion → § 41-21-806 Review by grievance
Committee at (C) area, if a claim is
filed before The grievance procedure is complete The Court
shall stay The proceeding with respect to The claim for
a period not to exceed ninety (90) days to permit
completion of The grievance procedure.
As The Morgan County main grievance staff never once
made (an) attempt To Answer The plaintiff
Title VI grievance Complaint Build on Discrimination
Based on plaintiff Race, 3 Use of force abuse
also Breach-of-Security 3 The failure-To-protect
error(s) which Clause Cruel & unusual punishment
Therefore relief was never allowed under
The Tdoc policy index #501.01 Inmate grievance
procedures Thus The main entry of This Motion

Page # 2 (F) 2 Motion T.C.A. § 41-21-806 at (C) area.

Shall allow This Court To Move ahead
forth upon mailing [an] Notice To The Morgan
County Head Warden, Mike parris. in order
To Contact His Title VI Coordinator

AWT. Stacy okas. in order To able
(an) full Title VI investigation Complaint reply
answer within Tdoc policy index # 603.10 entry
as This would not Cause a Violation
against prose plaintiff Mr. Marcus Avery. Said
Tdoc # 6039164. Due process of Law
rights which stands under The 1st Amendment
Made By His freedom - of - speech *
were This motion is fair notice upon giving
fair review in order for All Defendant(s)
Must apply Tdoc policy index # 501.01 To process
each 1 Thru 3 Level(s) which The Law
allow(s). Thereby The Law will not allow any
unfair ruling(s) against false entry(s) Made By
(Inappropriate) Title VI grievance(s) as 90 days
will state it's relief once The file Completion
of The grievance procedure. (end).

- Certificate - of - Service -

I, Mr. Marcus Avery #639164 hereby The foregoing motion
Has been sent To By Postage mail entry only as
on 27th Day of Dec 27th 2023 ;

To The Main Commissioner, Mr. Frank Strada at Address



Act of 1964 Civil Rights
TENNESSEE DEPARTMENT OF CORRECTION

Page # 1 (of) 3 INMATE GRIEVANCE

Stacy oakes
Title VI Coordinator
2024 JAN -2 AM 8:32
US DISTRICT COURT
EASTERN DIST. TENN.

Mr. Marcus Avery

NAME

#639164

NUMBER

M.C.C.X

INSTITUTION & UNIT

DESCRIPTION OF PROBLEM: on Aprx Dec 8th 2023 at timeline 6:55 A.M
I WAS pulled out my Cell 24C / pod cell # 107 To
go To Morning Rec Max Cage area review

REQUESTED SOLUTION: AWT Stacy oakes Provide (an) full Title VI
investigation Complaint Answer under T.C. As 41-1-104
Warden, Power & duties at (b). uphold fair answer.

x Mr. Marcus Avery

Signature of Grievant

12 / 27th 2023

Date

TO BE COMPLETED BY GRIEVANCE CLERK

Grievance Number

Date Received

Signature Of Grievance Clerk

INMATE GRIEVANCE COMMITTEE'S RESPONSE DUE DATE:

AUTHORIZED EXTENSION:

New Due Date

Signature of Grievant

INMATE GRIEVANCE RESPONSE

Summary of Supervisor's Response/Evidence:

Chairperson's Response and Reason(s):

DATE: CHAIRPERSON:

Do you wish to appeal this response? YES NO

If yes: Sign, date, and return to chairman for processing within five (5) days of receipt of first-level response.

GRIEVANT

DATE

WITNESS

Distribution Upon Final Resolution:

White - Inmate Grievant Canary - Warden Pink - Grievance Committee Goldenrod - Commissioner (if applicable)



TENNESSEE DEPARTMENT OF CORRECTION

INMATE GRIEVANCE

(continuation sheet) Page # 2 @D 3

DESCRIPTION OF PROBLEM: The rec cage Viconet Video System Pin-point Both C/o's Brandon bunch & Sean Crabtree along C/o Smith was trying to force my self inside a un' authorize red line rec cage that is wide opened from cage #5 unto cage #6 in order to allow (an) care less attack look if i could just go back unto my cell in order to prevent this attack against my personal safety. So once i was being sent back into 24C pod from the rec yard area approx around 7:03 A.M. later 7:06 A.M. after being place back inside my cell 24C cell #107 The Viconet Video system will show i was standing in front of my cell door with handcuff's behind me. as all (3) C/o's able start calling me hateful names as C/o Smith said u Shaky Black Bitch u running in fear Nigg9 Bci Behind this door on max / PC 3 pushed the cell door in my face were The Viconet Video system will provide this error (1). along He made The attempt to only take one hand cuff off with his other hand pulling on my risk which was still hand cuffed / i told him MAN why are you going out your way * To cause harm against my well being look at my risk - man. That's when C/o Sean Crabtree is seen on Viconet Video system saying Nigg9 u Aint seen No pain Bci This is pain & start to get under color of state law to violated The Tennessee law within T.C. AS 41-1-103 officers & employees, oath of affirmations along (C) are a The Violation of this oath by any of the officers & employees shall be perjury Punishable as in order cases of perjury. as C/o Sean Crabtree is on Tape unlawfully Slaming The Metal pie - flap 3 Times on my left arm area real hard (Back To Back) out of motivated by evil motive & false intent in order to cause physical pain This open The door to C/o Sean Crabtree abuse after the fact & Baby Harm once He used his pepper spray in my face area & nose & mouth area(s). This was done thru the door Up flap was addition to pain & risk of injury To Establish (an) Clear error against The Eight Amendment

Distribution Upon Final Resolution:

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CR-1394 (Rev. 3-00)

Page 2 of 2

RDA 2244

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TENNESSEE DEPARTMENT OF CORRECTION
INMATE GRIEVANCE

(continuation sheet)

Page #3 (F) 3

DESCRIPTION OF PROBLEM:

Violation for (Use of Force) as its upon the face of the record under the Viconnet Video System that C/O Sean Crabtree did use'd this MK-3 Chemical Agents which is Pepperspray. Therefore my self → Mr. Marcus Avery was never giving any kind of Medical Care after this malicious & Sadistic use of force abuse which has Clause Extreme Conduct by Custodians that causes (Severe emotional distress) Thus by the Scope of Eighth Amendment protection is broader than the mere infliction of physical pain. Because the Viconnet Video System Evidence of fear, mental anguish & misery can establish the requisite injury for (an) Eighth Amendment Claim. as covered by Law Tdoc policy index # 603.10 Title VI Civil Rights ACT of 1964 at page (#2) VI procedures (C) → All such Complaints must be filed within 180 days of the occurrence of the alleged discriminatory act. Thus under (C) / (#1) → To initiate a complaint alleging discrimination under Title VI. All Title VI allegations shall be entered on Tavis by the institutional grievance chairperson & flagged as a Title VI allegation. Community Supervised offenders shall utilize the Community Supervision offender grievance procedures see (Policy # 705.07). All Title VI Complaints shall be forwarded to the central office Title VI Coordinator for review before the complaint is considered resolved. The same apply under (C) / (#2) area. Whereby this grievance shall go before the Head Tdoc said Commissioner Mr. Frank Strada. in order for him to apply Tennessee Law T.C.A. § 4-3-603 Duties of Commissioner by area (B) → in addition to any other duties provided by law. Due by issue Tennessee Law T.C.A. § 8-30-316 Employee Dismissal; demotion or suspension, notice of Termination, contents; Appeal. along (g) area → a notice of Termination shall include the reason for (C) the Termination in clear & concise language & shall state the facts that led to the Termination against Morgan County Correctional Complex C/O(s) → C/O Brandon Bunch & C/O Sean Crabtree & C/O Smith must be held to the above punishment as a full copy of this Title VI Civil rights ACT of 1964 Complaint will be sent unto the U.S. district court of Knoxville, TN Civil Suit division

(end)

Distribution Upon Final Resolution:

White - Inmate Grievant Canary - Warden Pink - Grievance Committee Goldenrod - Commissioner (if applicable)

Mr. Marcus Avery #639164

M.C.C.X

P.O. Box 2000

Warburg, TN 37887

Tdoc policy

index # Sol. 02

access To Courts

Legal Mail

KNOXVILLE TN 377

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Happy
Holidays

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JAN 02 2024

Clerk, U. S. District Court
Eastern District of Tennessee
At Knoxville

U.S. district Court

Civil division

Ste. 130

800 Market Street.

Knoxville, TN 37902

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DEC 27 2023
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